

Message Text

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ACTION SS-25

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 5059

INFO AMEMBASSY ABIDJAN IMMEDIATE

AMEMBASSY BRASILIA IMMEDIATE

AMEMBASSY CARACAS IMMEDIATE

AMEMBASSY CAIRO IMMEDIATE

AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY KINSHASA IMMEDIATE

AMEMBASSY KUALA LUMPUR IMMEDIATE

AMEMBASSY LAGOS IMMEDIATE

AMEMBASSY MEXICO IMMEDIATE

C O N F I D E N T I A L NAIROBI 7918

EXDIS

E.O. 11652: GDS

TAGS: PFOR XA XB XM XF EG KE

SUBJECT: ARAB AND SOVIET CRITICISM OF PRESIDENT SADAT IN WAKE
OF EGYPT-ISRAEL AGREEMENT

REF: STATE 214848

1. IN FIRST MEETING ON SUBJECT YESTERDAY WITH EGYPTIAN
AMBASADOR TO KENYA, AHMED NAGI OLAMA, FRUITFUL DISCUSSION
WAS IMPOSSIBLE DUE TO EGYPTIAN TECHNICAL COMMUNICATION
PROBLEMS. MEETING AGAIN TODAY, OLAMA PROVIDED ME WITH
TEXT (SEE BELOW) OF AIDE MEMOIRE HE IS PRESENTING TO
ACTING MINISTER OF FOREIGN AFFAIRS BABU WOOD AT 10 A.M.
SEPTEMBER 12. WE AGREED BEST APPROACH IS FOR OLAMA TO
PRESENT AIDE MEMOIRE PERSONALLY, AFTER WHICH I WILL CALL
FOR APPOINTMENT WITH BABU WOOD TO REINFORCE U.S. SUPPORT
OF AGREEMENT AND ENLIST GOK'S SUPPORT PER REF.

2. TEXT OF EGYPTIAN AMBASSADOR OLAMA'S AIDE MEMOIRE TO
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GOK:

BEGIN TEXT

I. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WOULD LIKE TO EXPLAIN SOME OF THE PRINCIPLES ON WHICH THE ATTACHED SECOND SINAI DISENGAGEMENT AGREEMENT BETWEEN EGYPT AND ISRAEL SIGNED ON 4TH SEPTEMBER 1975 IS BASED:

(1.) THE AGREEMENT HAS A MILITARY NATURE AND LEADS TO A

NEW ISRAELI WITHDRAWAL AND AMENDS THE POSITIONS OF THE
CEASEFIRE LINES.

(2.) THE AGREEMENT IS WITHIN THE FRAMEWORK OF THE CHARTER OF THE UNITEDNATIONS AND ITS RESOLUTIONS CONCERNING THE MIDDLE EAST.

(3.) THE AGREEMENT IS NOT A FINAL AGREEMENT, EGYPT INSISTED AND ISRAEL AGREED THAT THE TEXT SHOULD INDICATE CLEARLY THAT THE AGREEMENT IS A STEP TOWARDS PEACE AND WITH ACCORDANCE OF THE IMPLEMENTATION OF THE SECURITY COUNCIL RESOLUTION NO. 338 (ARTICLE 8 OF THE AGREEMENT).

(4.) IT IS WELL KNOWN THAT THE SECURITY COUNCIL RESOLUTION 338 ISSUED ON 22 OCTOBER 1973 WHICH WAS SPONSORED BY THE UNITED STATES AND THE SOVIET UNION WAS BASED ON:

A. CEASEFIRE.

B. THE IMMEDIATE IMPLEMENTATION OF THE SECURITY COUNCIL RESOLUTION 242 WHICH INCLUDES THE NON ACQUISITION OF THE LAND BY USING FORCE, THE WITHDRAWAL OF THE ISRAELI FORCES FROM THE OCCUPIED ARAB TERRITORIES, THE RESPECT OF THE NATIONAL SOVEREIGNTY AND THE POLITICAL INDEPENDENCE OF ALL THE COUNTRIES IN THE AREA.

C. THE BEGINNING OF NEGOTIATIONS -- UNDER A SUITABLE SUPERVISION -- WHICH BECAME LATER THE GENEVA CONFERENCE
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TO MAINTAIN A JUST AND DURABLE PEACE IN THE MIDDLE EAST.

(5.) CONSEQUENTLY THE NEW AGREEMENT WILL PUT AN END TO ANY ISRAELI ATTEMPTS TO FREEZE THE SITUATION OR CONTINUING THE NO-WAR NO-PEACE POLICY. THE AGREEMENT IS A CONSTANT EFFORT TO REACH A SOLUTION AND IT IS AN OBLIGATION, STARTS AS SOON AS IT IS SIGNED, TO IMPLEMENT THE UNDERTAKINGS STATED IN THE AGREEMENT.

(6.) FROM THE STRATEGIC POINT OF VIEW THE ISRAELI WITHDRAWAL IN THE DEPTH OF THE SINAI IS THE FIRST ISRAELI WITHDRAWAL WHICH HAS A VALUE SINCE THE 5TH JUNE 1967, IT WILL LEAD THE EGYPTIAN FORCES TO ADVANCE.

(7.) THE AGREEMENT DOES NOT INCLUDE ANY TEXT CONCERNING ANY DEMILITARIZING AREA IN SINAI, AN AIM WHICH ISRAEL IS TRYING TO ACHIEVE.

II. FURTHERMORE, THE EGYPTIAN GOVERNMENT WOULD LIKE TO POINT OUT THAT THE TEXT CONCERNING THE FORBIDDEN USE OF FORCE AND TO REACH A SOLUTION THROUGH PEACEFUL MEANS IS BASED ON:

A. ARTICLE 338 OF THE UNITED NATIONS CHARTER WHICH STATED THAT THE PARTNERS CONCERNED IN AN CONFLICT THREATENS THE INTERNATIONAL PEACE AND SECURITY SHOULD TRY THE PEACEFUL MEANS FOR A SOLUTION, UPON THIS BASE EGYPT ACCEPTED THE RESOLUTIONS 242 AND 338 AIMING TO REACH A JUST AND LASTING

PEACE.

B. THERE IS A BASIC LINK BETWEEN THIS UNDERTAKING AND THE IMPLEMENTATION OF THE RESOLUTION 338 WHICH THE AGREEMENT HAD BEEN CONCLUDED IN ITS FRAMEWORK AND WHICH STATES THE IMMEDIATE IMPLEMENTATION OF THE RESOLUTION 242. IT IS UNDERSTOOD THAT THE IMPLEMENTATION OF THIS TEXT DEPENDS ON THE IMPLEMENTATION OF THE RESOLUTION 338. THIS UNDERTAKING WILL CONTINUE TO BE LINKED WITH THE RESOLUTION 338 WHETHER POSITIVELY OR NEGATIVELY.

C. THIS AGREEMENTS DOES NOT AFFECT BY ANY MEANS THE CONFIDENTIAL

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LEGAL RIGHTS OF DEFENCE WHETHER IT IS INDIVIDUALLY OR COLLECTIVELY AND WHICH IS CONCLUDED IN THE CHARTER OF THE UNITED NATIONS AND WHICH PERMITS EGYPT TO USE HER RIGHT TO DEFEND HERSELF AND WITH OTHER ARAB STATES.

D. THE AGREEMENT DOES NOT AFFECT THE STATE OF WAR BETWEEN EGYPT AND ISRAEL, BUT IT IS A CONTINUATION TO THE UNDERTAKING OF NON-USING MILITARY OR PARA-MILITARY ACTIONS WHICH WAS CONCLUDED IN THE FIRST DISENGAGEMENT AGREEMENT WHETHER WITH EGYPT OR SYRIA.

E. THE CEASEFIRE WHICH WAS STATED IN THE RESOLUTION 338 DOES NOT NECESSARILY END THE STATE OF WAR ACCORDING TO THE PROVISIONS OF THE INTERNATIONAL LAW, THE STATE OF WAR ENDS ONLY IN CASE OF A FINAL PEACE AGREEMENT OR AN OFFICIAL

DECLARATION TO PUT AN END TO IT.

III. CONCERNING THE DUTIES OF THE JOINT COMMITTEE ESTABLISHED
IN THE AGREEMENT THE EGYPTIAN GOVERNMENT WOULD LIKE TO STATE
THE FOLLOWING:

THE JOINTCOMMITTEE WHICH IS ESTABLISHED ACCORDING
TO THE AGREEMENT WILL WORK UNDER THE SUPERVISION OF THE
UNITED NATIONS AND WILL BE HEADED BY THE CHIEF COORDINATOR
OF THE UNITED NATIONS PEACEKEEPING MISSION IN THE MIDDLE EAST

THIS IS NOT THE FIRST TIME TO ESTABLISH SUCH A
COMMITTEE, IT WAS ESTABLISHED BEFORE WITHIN THE FRAMEWORK
OF THE TRUCE AGREEMENT HELD IN 1949 TO SUPERVISE
THE ARRANGEMENTS OF THE IMPLEMENTATION OF AN AGREEMENT

AND TO SOLVE IMMEDIATELY ANY PROBLEMS ARISING.

THIS COMMITTEE WILL NOT HANDLE EXCEPT THE MATTERS
CONCERNING THE VIOLATIONS OF THIS AGREEMENT.

END TEXT
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